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From: Nassif, Julianne (DPH)
Sent: Friday, November 21, 2008 1:05 PM
To: O'Brien, Elisabeth (DPH); Salemi, Charles (DPH)
Subject: RE: Status report

Betsy,
Thank you for this update. I would like to meet with the two of you on Monday to discuss. How's 11:30?

From: O'Brien, Elisabeth (DPH)
Sent: Friday, November 21, 2008 12:57 PM
To: Salemi, Charles (DPH); Nassif, Julianne (DPH)
Cc: Sprague, Shirley (DPH); Ridley, Stephen (DPH)
Subject: Status report

Hi there,

I wanted to give you an update on how things stand in the Evidence Office. I thought perhaps instead of discussing the backlog in terms of thousands (which is 13,400 as of 11/21/08 - Boston lab only), I would put it in terms of months which may put it in better perspective. I find this is more helpful when impressing upon police and ADA's exactly what the time frame is on analysis.

These are the dates received that are now waiting being assigned to chemists:

1. June 6, 2008 – routine powders
2. June 26, 2008 – routine vegetable matter
3. June 25, 2008 – routine RX's (prescription drugs)
4. August 20, 2008 – trafficking cases

As you can see with a nearly 5 month wait even to be assigned we are going to be seeing final analysis dates of nearly 6 months very soon. In addition, we are pulling expedited requests that vary from routine marijuana to complicated traffickings. I can shortly foresee that we are going to have to prioritize the "priorities", analyzing trafficking cases first and placing "chemical analysis on Class E's" last on the expedited request list. Some timeframes are not going to be met. Too many ADA's are requesting multiple lab numbers.

I also would like to discuss the ramifications of the new marijuana initiative and how it is going to impact the Drug Lab. While I think we were hopeful that the new law would reduce or eliminate the small marijuana cases coming, I believe that is overly optimistic. Although guidelines are still being written, I have heard that these cases could still need to be analyzed as the defendants can dispute paying the fine otherwise. Police are still going to be confiscating the marijuana. Someone described to me the analogy that a defendant can dispute a speeding ticket and ask to see the radar calibration, why would this be any different. However, my real fear is that we will be further burdened with proving marijuana cases that are GREATER THAN 28 GRAMS and we will have to provide net weights for marijuana much more frequently than we do now.

Considering our current situation I hope that there can be some discussion and proactive arguments on behalf of the Drug Lab as to the potential impact of this change in the marijuana law. Now might be the time to discuss what our policies might be going forward.

I don't suppose that I have to tell you that the storage situation is overwhelming. We have given a good effort in getting the shelf items analyzed and we continue to stay on top of that which has been helpful, but boxes are being stacked precariously upon boxes. Staying organized is very, very difficult in the safe.

Clearly we need more chemists to get the samples done, however, if anyone has any suggestions I think all options should be considered.

Thanks,
Betsy